

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TOPOIL AB,

Plaintiff,

v.

M/V ORUC REIS, her engines,
boilers, tackle, apparel etc., *in rem*,

Defendant.

§
§
§
§
§
§
§
§
§
§

NO. 4:15-CV-460

ADMIRALTY

**ORDER FOR MARITIME ARREST
OF DEFENDANT VESSEL M/V ORUC REIS**

This Court has reviewed the Original Verified Complaint (Docket #1), *Ex Parte* Motion for Arrest of Defendant Vessel (Docket #3) and supporting papers filed by Plaintiff, TOPOIL AB, (hereinafter "TOPOIL" or "Plaintiff"), in the above-captioned matter. Upon consideration thereof, this Court has determined that the conditions for an *in rem* arrest of Defendant Vessel M/V ORUC REIS, her engines, boilers, tackle, apparel, etc., pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure exist. Accordingly, it is hereby ORDERED:

ORDERED, that the Clerk of this Court shall issue forthwith a Warrant of Maritime Arrest for the M/V ORUC REIS, her engines, boilers, machinery, tackle, apparel, furniture, equipment, rigging, and all other necessary appurtenances thereto, etc. (hereinafter referred to as "Vessel"), directing the United States Marshal for the Southern District of Texas to proceed with all deliberate speed and arrest said Vessel which is now or soon will be currently afloat, berthed, and/or otherwise located within the Southern District of Texas, Houston Division; it is further

ORDERED, that the United States Marshal is to arrest and take custody of the Vessel, currently located within the Southern District of Texas and to detain same within its custody until further Order of this Court; and it is further

ORDERED, that the United States Marshal for the Southern District of Texas shall serve a copy of the Original Verified Complaint, this Order with the Warrant of Maritime Arrest upon Defendant Vessel and shall return the process promptly; and it is further

ORDERED, that the United States Marshal is authorized to allow normal cargo operations, both discharging and loading, repair works, and/or to shift berths (consistent with the U.S. Marshal's requirements), always remaining within this judicial district, but at the risk and expense of the Vessel's interests. Any cargo on the Vessel is not to be seized; and it is further

ORDERED, that the United States Marshal is released of all liability and to be held harmless for any and all claims or causes of action arising out of the seizure and arrest of the Vessel and/or the care, custody, and control of the Vessel henceforth, including if and when the Vessel is tendered to any Substitute Custodian; and it is further

ORDERED, that pursuant to Supplemental Rule E(5)(a), the Court fixes the principal amount of the bond to obtain the release of the Vessel M/V ORUC REIS in the amount of **USD 333,568.47**, same sufficient to cover the amount of Plaintiff's claim fairly stated as permitted by Rule E(5).

ORDERED, that any person claiming a right of possession or any ownership interest in the Vessel arrested pursuant to this Order, shall, in accordance with Supplemental Admiralty Rule C(6) of the Federal Rules of Civil Procedure, file a verified statement of right or interest with the Clerk of the Court and an answer, and shall upon application to the Court, be entitled to

a prompt hearing at which the Plaintiff shall be required to demonstrate why the arrest should not be vacated or other relief granted; and it is further

ORDERED, that Plaintiff's counsel shall serve a copy this Order, together with the Summons, Original Verified Complaint, and Warrant of Maritime Arrest upon the Owner of the Vessel by Certified Mail or by facsimile or by any other method by which receipt is obtained; and it is further

ORDERED, that the Vessel may be released from seizure without further order of this court, if the Marshal receives written authorization from the attorney who requested the seizure and that such attorney advises that he has conferred with all counsel representing all of the parties to the litigation and they consent to the release, and the Court has not entered an Order to the contrary. All of the United States Marshal's costs shall be paid prior to the release of said Vessel.

SO ORDERED and **SIGNED** this 20th day of February, 2015.

Houston, Texas


UNITED STATES ~~DISTRICT~~/MAGISTRATE JUDGE